

REMARKS

Claims 1-17 are pending in the application.

Claims 1-6 and 9-17 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Leung et al. (U.S. 6,282,570) (hereinafter Leung).

The present claimed invention recited in independent claims 1, 9, 10, 11, 16 and 17 provides the distinguishing features of updating the database of one monitoring device by synchronizing (matching) it with the database stored in the other monitoring device.

For example applicant's claim 1 provides: the database stored in one monitoring device is updated based on the registered data (the registered data indicating the updated contents of the other database).

As discussed in the Examiner's interview Leung describes a monitoring and reporting but does not describe synchronizing the databases. The only place Leung mentions a synchronized object is in col. 8, lines 12-20. But there is no description of the features described in applicant's claims, for example:

In the response to argument section, page 14, of the Office Action it is asserted that "Secondly, Applicant argues that there is no teaching in Leung one monitoring device is updated based on registered data."

wherein when the second monitoring device receives the registered data altered by the updating operation from the first monitoring device, the second monitoring device updates registered data recorded in the database accommodated by the second monitoring device based on the registered data received from the first monitoring device.

Leung discloses a monitoring device 308 which monitors multiple databases. But there is no description of a second monitoring device updating data in a database accommodated by the second monitoring device.

In fact each of the sections referenced in the Office Action (col. 7, 8 and 12) only describe the monitoring device collecting data from multiple databases. No description was found which corresponds to applicant's claimed invention of the second monitoring device. For example Leung does not disclose two of the database monitor 308, and each database monitor 308 communicates with the other so as to update each database stored therein.

Col. 7:35-45 and Col. 8:56-67 of Leung describes monitor runs for monitoring a large parallel database. In particular Leung teaches that the monitor collects performance data from as many nodes as it can during a specified time. There is no teaching of applicant's claimed a read-out request for reading out registered data which is altered by the updating operation.

In addition applicant claims a read-out request for reading out registered data which is altered by the updating operation and recorded in the database accommodated by the first monitoring device to the first monitoring device by using the network address of the first monitoring device received from the communications device.

The Office Action admits Leung does not specifically disclose the first and second step of transmitting. The Office Action asserts one skilled in the art would have found this to be obvious in view that computers connected to a network use Ethernet cards and transmit addresses back and forth.

However there is no suggestion anywhere in Leung that the "monitor run" uses the network address of the first monitoring device received from the communications device.

Even if computers using Ethernet cards may transmit addresses back and forth, there is no teaching in Leung that such a configuration could be used or successful, there is no suggestion which would lead one skilled in the art to make such a combination of prior art. The only such suggestion provided has been from applicant's own disclosure. The Office Action only recites that it is "well-known" without providing any reference to judge this assertion by.

Thus even if all the elements were present in the cited references, it is well-established that a combination of limitations, some of which separately may be known, may be a new combination of limitations which is nonobvious under the condition of 35 U.S.C. 103. Moreover, "an examiner may often find every element of a claimed invention in the prior art." In re Rouffer, 47 USPQ3d 1453, 1457 (Fed. Cir. 1998) (reversing PTO obviousness rejection based on lack of suggestion or motivation to combine reference). Therefore even if every element of a claimed invention is in the combined prior art there must be some suggestion or motivation to combine the references. "Although a reference need not expressly teach that the disclosure contained therein should be combined with another, the showing of combinability, in whatever form must nevertheless be 'clear and particularity.'" In re Dembiscak, 175 F.3d 994, 999 (CAFC 1999).

For at least the foregoing reasons it is respectfully requested the rejection of claims 1-17 be withdrawn and in view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,



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